

### **REMARKS**

This Application has been carefully reviewed in light of the Office Action mailed September 6, 2006 ("Office Action"). At the time of the Office Action, Claims 1-38 were pending in the application. In the Office Action, the Examiner rejects Claims 1-38. Applicants do not admit that any amendments are necessary due to any prior art or any of the Examiner's rejections. Applicants respectfully request reconsideration and allowance of Claims 1-38.

### **Specification**

The Examiner objects to the abstract as it exceeds 150 words in length. Applicants amend the abstract to be within the 50 to 150 word limit. The currently amended abstract recites:

This disclosure provides a wagering system associated with a first wagering facility, the system communicably coupled with a network and including a memory operable to store betting odds on a plurality of wagering events hosted by the first wagering facility. The system further includes a processor coupled to the memory and operable to receive a first bet on a particular event via the network, the particular event comprising at least one ~~of the~~ wagering events hosted by the first wagering facility. If a second bet is received within a predetermined period ~~of time~~ after the first bet is received, then the processor recalculates ~~the~~ betting odds on the particular event based upon both ~~of the~~ first ~~bet~~ and ~~the~~ second bets. If a second bet is not received within a predetermined period ~~of time~~ after the first bet is received, then the processor recalculates ~~the~~ betting odds on the particular event based upon the first bet.

### **Claim Objections**

The Examiner objects to claim 23 as being in improper form as it depends on itself. Applicants cancel Claim 23 as its elements have been incorporated into Claim 17.

### **Claim Rejections - 35 U.S.C. § 103**

The Examiner rejects Claims 1-38 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2001/0047291 A1 to Garahi, et al. ("*Garahi*"). Applicants traverse the Examiner's rejections of claims 1-38. Applicants currently amend Claim 1 to incorporate the elements of dependent Claims 4, 7, and 8, which are not taught, disclosed, or suggested by *Garahi*.

"To support the conclusion that the claimed invention is directed to obvious subject matter, either the reference[] must expressly or impliedly suggest the claimed invention or the Examiner must present a convincing line of reasoning as to why the art is one that would have found the claim to be obvious in light of the teachings of the reference[]." M.P.E.P. § 706.02(j) (citing *Ex parte Clapp*, 227 U.S.P.Q. 972, 973 (Bd. Pat. App. & Inter. 1985)). "[T]he examiner should set forth in the Office action . . . an explanation why one of ordinary skill in the art at the time the invention was made would have been motivated to make the proposed modification." M.P.E.P. § 706.02(j).

The Examiner's sole reference is *Garahi*. The Examiner unconvincingly argues that because "*Garahi* discloses informing the player that the betting is closed for the race (§ 0092), and accepting bets as long as the event is open and denying bets when the event is closed (§§ 0105 and 0106), *Garahi* obviously encompasses teaching the claimed limitations." (Office Action, pp. 3-4). Simply informing a player and denying bets when betting is closed does not suggest "a processor operable to . . . generate a stop bet command such that a bet transmitted prior to the stop bet command will be accepted even if the bet is received after the stop bet command." (Currently Amended Claim 1). Determination of whether or not to accept a bet in *Garahi* is based on the time the bet is received in comparison to the time the wagering pool is closed, as opposed to the time the bet is transmitted in comparison to the time the wagering pool is closed.

*Garahi* teaches, "If it is determined at step 1104 that the wagering pool is no longer open, then the interactive wagering system *may not accept any more wagers . . .*" (*Garahi*, § 0106) (emphasis added). In other words, any wagers received after the wagering pool closed, regardless of whether the wagers were transmitted before the wagering pool closed, are rejected. Claim 1, as currently amended, in contrast, recites, "a bet transmitted prior to the stop bet command will be accepted even if the bet is received after the stop bet command." If a wagering pool closes after a bet is transmitted but before the bet is received (due to network latency), the *Garahi* wagering system will not accept the bet, whereas the

system claimed in Claim 1 will accept the bet. For at least these reasons, the Examiner should reconsider and allow Claim 1, as currently amended.

Claims 2-3, 5-16 depend from Claim 1. In addition to the foregoing, *Garahi* fails to teach, disclose, or suggest further elements recited by the dependant claims. Such elements include: “communicat[ing] the stop bet command to the network such that the network is operable to deny subsequent bets” (Claim 5), “communicat[ing] the stop bet command to a second wagering facility such that the second wagering facility is operable to deny subsequent bets,” (Claim 6), and “deny[ing] [a] bet in response to the [] bet not being transmitted prior to the stop bet command being generated” (Claim 9). The Examiner fails to present any argument, much less “a convincing line of reasoning as to why the art is one that would have found the [these] claim[s] to be obvious in light of the teachings of [*Garahi*].” M.P.E.P. § 706.02(j). *Garahi* does not teach, suggest, or disclose utilizing a stop bet command as specifically recited in Claims 5-9, nor are such modifications obvious in light of *Garahi*. For at least these reasons and those presented regarding Claim 1, the Examiner should reconsider and allow Claims 2-3 and 5-16, as currently amended.

Currently amended Claim 17 recites, in part, “generating a stop bet command such that a bet transmitted prior to the stop bet command will be accepted even if the bet is received after the stop bet command.” For at least the reasons outlined above with respect to Claim 1, Applicants respectfully request the Examiner to reconsider and allow Claim 17. Claims 18-19 and 21-32 depend from Claim 17 shown above to be allowable. Accordingly, Applicants respectfully request the Examiner to reconsider and allow Claims 18-19 and 21-32.

Similarly, Claim 33, as currently amended, recites, in part, “receiving a stop bet command; and accepting subsequently received bets on the particular event if transmitted prior to the stop bet command.” For the reasons outlined above with respect to Claim 1, Applicants respectfully request the Examiner to reconsider and allow Claim 33. Claims 34 and 36-38 depend from Claim 33 shown above to be allowable. Accordingly, Applicants respectfully request the Examiner to reconsider and allow Claims 34 and 36-38.

**CONCLUSION**

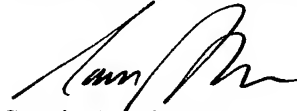
Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending claims.

If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the Examiner is invited to contact Samir A. Bhavsar, Attorney for Applicants, at the Examiner's convenience at (214) 953-6581.

The Commissioner is hereby authorized to charge the \$120.00 one month extension of time fee and to charge any deficiency or credit any overpayment to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

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